

Appln. No. 10/003,789  
Amendment dated Sep. 16, 2005  
Reply to Office Action of June 16, 2005  
Docket No. BOC9-2001-0037 (280)

### REMARKS/ARGUMENTS

These remarks are made in response to the Office Action of June 16, 2005 (Office Action). As this response is timely filed within the 3-month shortened statutory period, no fee is believed due.

In the Office Action, Claims 1 – 3, 9 – 11, and 14 – 16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Published Patent Application No. 2002/0118808 to Kelleher, *et al.* (hereinafter "Kelleher"). Claims 4 – 8 and 12 – 13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kelleher in view of U.S. Patent No. 6,765,931 to Rabenko, *et al.* (hereinafter "Rabenko")

Applicants have amended claims 1 and 9 to further emphasize certain aspects of Applicants' invention. The amendments also address the claim objections noted at page 2 of the Office Action. Dependent Claims 2 – 5, 6, and 10 – 15 have each been amended to maintain consistency with the amended independent claim from which each depends. The amendments are fully supported in the Specification, as discussed herein. No new matter has been introduced by virtue of these amendments.

#### I. Applicants' Invention

It may be helpful to reiterate certain aspects of Applicants' invention prior to addressing the cited references. The invention is directed to a system and method for conferencing additional callers into a voice browsing session which has been established between an initial caller and a voice browser. (Specification, p. 3, lines 2 – 4; p. 6, lines 2 – 4.)

One embodiment of the invention, typified by Claim 1, is a method of call conferencing using a voice browser. The method includes establishing a voice browsing session between a calling party and the voice browser, which is provided by a voice

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server that interfaces with a telephony network via a gateway. Additionally, the method includes conferencing at least one additional party into the voice browsing session using an application level component. The conferencing in of one or more additional parties provides a voice communications link between the calling party and at least one additional party established via the telephony network.

The method further includes dynamically coordinating or aggregating voice data streams between the calling party and at least one additional party with a voice data stream manager. (See, e.g., Specification, p. 3, line 19 – Col. 4, line 10; p. 6, lines 16 – 20; p. 8, lines 10 – 15; p. 10, lines 9 – 11.) Accordingly, upon successfully adding a call to the existing voice browsing session, the voice data stream of the additional call can be coordinated with the voice data stream of an already-established call. In particular, audio of the various conference call participants can be aggregated into a single voice data stream, which can be directed to an appropriate voice browser or voice browser application. (Col. 6, lines 16 – 22.)

## **II. The Claims Define Over The Prior Art**

As noted above, independent Claims 1 and 9 were deemed upatentable over Kelleher. Independent Claim 6 was deemed unpatentable over Kelleher in view of Rabenko.

Kelleher is directed to a method and apparatus for connecting a group of users via a communications network for a conference call. (Abstract.) Kelleher utilizes an initializing signal that is detected when sent by an initializing user and that enables the initializing user to select a predefined user group. (Paragraph 0006; see also paragraphs 0012 – 0016) The availability of each member of the user group is determined and announced to the initializing user. (See paragraph 0022.) An available member is afforded the opportunity to connect, after which available and connected users are

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interconnected with one another, thereby establishing the conference call. (See Paragraph 0023.)

It is noted at page 4 of the Office Action that Kelleher does not teach aggregating a voice data stream of an additional party with a voice data stream of the calling party so as to form a single voice data stream. It is asserted at page 4 of the Office Action, however, that this feature is found in Rabenko. Rabenko provides a network gateway configured to facilitate on-line and off-line "bidirectional communications" using "any desired one of a plurality of cable modems." (Col. 6, lines 30 - 37; Abstract.)

Applicants respectfully assert, however, that neither Kelleher nor Rabenko disclose each feature of Applicants' invention. For example, neither reference teaches or suggests the coordination or aggregation of different voice data streams of different calling parties, as recited in independent Claims 1 and 9, as amended, and independent Claim 6. Nor do either of the references teach or suggest any type of dynamic handling of voice or data streams of multiple parties, let alone coordination or aggregation of different data streams. Neither reference teaches or suggests establishing a voice browsing session between a calling party and a voice browser, and then subsequently conferencing at least one additional party into the voice browsing session.

***Rabenko describes packetizing digital voice samples,  
not data stream coordination or suppression***

In the portion cited at page 4 of the Office Action, Rabenko describes not the coordination or aggregation of different voice data streams, but rather the packetization of digital voice samples in the context of voice compression. (Col. 69, line 39 - Col. 70, line 3.) The cited portion of Rabenko describes the timing of a "packetization interval" needed to comply with standard voice compression algorithms, the interval being the

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"time duration of the digital voice samples that are encapsulated into a single voice packet." (Col. 69, lines 51 – 62.) Rabenko's explicitly stated purpose is to select the packetization interval that will support the number of frames of digital voice samples needed to compress frames containing voice samples in accordance with an industry-standard compression algorithm. (Col. 70, lines 1 – 3.)

The voice compression described by Rabenko, however, is not remotely related to the aggregation of voice data streams between a calling party and at least one additional party, as recited in independent Claim 6 and independent Claim 9, as amended. Nor does the voice compression in Rabenko remotely relate to coordination of different voice data streams, as recited in independent Claim 1, as amended. Nowhere does Rabenko suggest the use of a voice data stream manager, as recited in each of the claims.

The cited portion of Rabenko relates only to compressing a voice stream in accordance with an industry-standard compression algorithm. It may well be that once different voice streams are aggregated, the voice compression can be applied to the aggregated voice stream, but Rabenko suggests nothing regarding how to achieve an aggregation or the coordination of voice streams of different parties.

Nor does Rabenko even suggest a need for aggregating or otherwise coordinating different voice data streams. This is emphatically underscored when Rabenko is read in its entirety. Rabenko, as noted above, is directed to bidirectional communications via selected modems. This has nothing to do with establishing a voice browsing session and then conferencing in an additional party after establishing the voice browsing session. Accordingly, there is no reason to suppose that Rabenko would have a need for aggregating or coordinating voice data streams of different parties. Again, Rabenko does not even remotely suggest such aggregation or coordination as recited in amended independent Claims 1 and 9, as well as Claim 6.

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***Neither Kelleher nor Rabenko suggest conferencing in a party  
after a establishing a voice browsing session***

Amended independent Claims 1 and 9 explicitly recite conferencing an additional party in a voice browsing session that has already been established. This feature also is not taught or suggested by either Kelleher or Rabenko. As already noted Rabenko is not remotely related to conferencing, and although Kelleher does relate to connecting a group of users into a conference call, Kelleher explicitly excludes conferencing in users after the establishment of a call.

With Kelleher, an "initializing user" first creates a "user group" using a "user interface." (Paragraphs 0015 – 0019.) The initializing user in Kelleher is then instructed "to hang up the phone," after which a "conference client program retrieves a list of phone numbers for parties to be "dialed into" the conference call. Using the list, the program then dials up each of the group determined to be available, dialing each one at a time or simultaneously via a multiple dialing system. (Paragraphs 0020 – 0022.) Only then does a "conference client" interconnect all of the available users, including the initializing user, which earlier had been instructed to hang up while the conference call was being set up. (Paragraph 0026.)

Leaving aside the fact that Kelleher does not disclose conferencing into a voice browsing system, it is clear that Kelleher not conference even one additional party into an already-established call, let alone an already-established voice browsing session of a calling party. Kelleher explicitly instructs the calling party to first hang up and does not establish a conference call until all the parties of the group have been located and ascertained to be available. Only when this has been accomplished are all the members "instantaneously" connected into the conference call. (See paragraph 0020.) Accordingly, Kelleher like Rabenko fails to teach or suggest conferencing at least one

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additional party into an already established voice browsing session, as recited in each of amended independent Claims 1 and 9.

### CONCLUSION

Applicants respectfully maintain that neither Kelleher nor Rabenko, alone or in combination, teaches or suggests each feature recited in independent Claims 1 and 9, as amended, and Claim 6. Therefore, Applicants respectfully submit that each of the amended independent claims defines over the prior art. Applicants further respectfully submit that, whereas the other claims each depend from one of the amended independent claims while reciting additional features, each of the dependent claims likewise defines over the prior art.

Applicants believe that this application is now in full condition for allowance, which action is respectfully requested. Applicants request that the Examiner call the undersigned if clarification is needed on any matter within this Amendment, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

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Gregory A. Nelson, Registration No. 30,577  
Richard A. Hinson, Registration No. 47,652  
AKERMAN SENTERFITT  
Customer No. 40987  
Post Office Box 3188  
West Palm Beach, FL 33402-3188  
Telephone: (561) 653-5000

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